

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 9, 2004

- C039824 THE PEOPLE v. GARFIELD (Not for Publication)**
The judgment is modified...
... As modified, the judgment is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C033758 MORNING STAR COMPANY v. STATE BOARD OF EQUALIZATION et al. (Certified for Publication)**
The judgment is affirmed.
BLEASE, J.
We concur: Scotland, P.J.
 Davis, J.

February 10, 2004

- C042735 THE PEOPLE v. MITCHELL (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C042889 THE PEOPLE v. BECKHAM (Not for Publication)**
The order denying the petition for release is affirmed.
DAVIS, Acting P.J.
We concur: Raye, J.
 Butz, J.
- C044785 THE PEOPLE v. MARSHMAN (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Robie, J.
- C044215 In re D.W. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. G.J. (Not for Publication)**
The orders of the juvenile court are affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 10, 2004, continued

C046006 **CONCERNED CITIZENS COALITION OF STOCKTON, et al. v. CITY OF**
C046061 **STOCKTON et al. and OMI/THAMES WATER STOCKTON, INC., et al.**
BY THE COURT:

Good cause appearing, it is ordered that the above cases be consolidated. All further filings will bear the number C046006.

SCOTLAND, P.J.

February 11, 2004

C041516 **THE PEOPLE v. LOPES** **(Not for Publication)**

The judgment is affirmed. We remand to the trial court for the limited purpose of sentencing on the rape conviction and preparing and transmitting to the Department of Corrections an amended abstract of judgment.

NICHOLSON, J.

We concur: Scotland, P.J.

Robie, J.

C043291 **BURNETTE v. ROBERTS** **(Not for Publication)**

The order appealed from is affirmed.

BLEASE, Acting P.J.

We concur: Raye, J.

Robie, J.

C044142 **In re JOSHUA C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v.**
TERESA S.

C044143 **In re MISTY C., et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES**
v. TERESA S. **(Not for Publication)**

The orders placing Joshua into long-term foster care and terminating parental rights as to Misty, Melanie, and Malissa are vacated, and the matter is remanded to the juvenile court with directions to order the social services agency to make proper inquiry and to comply with the notice provisions of the Act. If after proper inquiry and notice, a tribe determines that the minor is an Indian child as defined by the Act, the juvenile court is ordered to conduct a new section 366.26 hearing in conformity with all provisions of the Act. If, on the other hand, no response is received or the tribes determine that none of the minors is an Indian child, all previous findings and orders shall be reinstated.

BLEASE, Acting P.J.

We concur: Raye, J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 11, 2004, continued

**C045732 COCKSHOTT v. CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE
PROTECTION et al.**

BY THE COURT:

Due to clerical inadvertence, an order dated February 10, 2004, purporting to reinstate the appeal in this matter was prematurely mailed. That order was not signed by the court and is to be disregarded. Following is the order of this court upon appellant's motion to reinstate the appeal:

Appellant's motion to reinstate the appeal is granted. The order of dismissal, filed January 15, 2004, is vacated, and the appeal is reinstated. Appellant shall have to and including February 24, 2004, in which to present this court a filed copy of the final judgment in this matter. If the filed copy of the judgment is received my February 24, 2004, the notice of appeal will be deemed a timely notice of appeal for all purposes of appellate review. Failure to provide this court with a filed copy of the final judgment, as directed, will result in the dismissal of this appeal without further notice.

SCOTLAND, P.J.

February 12, 2004

There were no minutes for this date.

February 13, 2004

C042104 THE PEOPLE v. FERRANDO (Certified for Partial Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Davis, J.

Hull, J.

C044004 THE PEOPLE v. HOUSTON (Not for Publication)

The judgment is affirmed.

SIMS, J.

We concur: Scotland, P.J.

Davis, J.

C042116 RUDDER v. FEDTRUST LIQUIDATIONS et al. (Not for Publication)

The judgment is reversed. Rudder shall recover costs on appeal.

RAYE, J.

We concur: Nicholson, Acting P.J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 13, 2004, continued

**C044054 In re A.F.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. FIDEL C. (Not for Publication)**

The juvenile court's order terminating parental rights is reversed. The matter is remanded with directions to the juvenile court to afford appellant a new hearing pursuant to section 366.26 and to issue an order for his temporary removal from state prison and his production at the section 366.26 hearing. If, as a result of the hearing, appellant's parental rights are terminated, the juvenile court is directed to reinstate the order terminating parental rights in its entirety.

ROBIE, J.

We concur: Scotland, P.J.
 Nicholson, J.

**C044337 ALWAN v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and
MEDICAL BOARD OF CALIFORNIA
BY THE COURT:**

Real Party in Interest's request to publish the opinion filed on January 27, 2004, is denied.

SCOTLAND, P.J.